IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1171 OF 2005

Shantabai Budhaji Mhatre and anr. ..Petitioners

Vs.

The Sub-Divisional Officer and ors. ..Respondents

Mr. S.G. Karandikar with Mr. S.G. Surana for petitioners.

Mr.R.M. Patne, AGP for respondent nos.1 to 3.

Mr. R.D. Suryawanshi for respondent nos.4,5, 6(a) to 6(d).

CORAM: B.H. MARLAPALLE, J.

Date : August 1, 2006.

P.C.:

1. Heard Mr. Karandikar with Mr. Surana the learned counsel for the petitioners and Mr.Suryawanshi the learned counsel for the respondent nos.4,5 and 6(a) to 6(d). Mr. Patne the learned AGP appears for respondent nos.1 to 3.

2. The petitioners had submitted an appeal under Section 257 of the Maharashtra Land Revenue Code, 1966 before the Sub Divisional Officer, Thane challenging

the mutation entry effected/certified on 8/11/1948 and the SDO was pleased to dismiss the said appeal vide his Judgment and Order dated 30/6/1998 on the ground of delay alone. The SDO's order was carried in appeal before the Collector and the Additional Collector, Thane was pleased to allow the appeal partly by remanding the case for investigation to the Tahsildar, Thane by his Judgment and Order dated 11/11/2002. The respondent nos.4 to 6 approached the Divisional Commissioner, Konkan Division, Mumbai by filing the revision application and the same has been allowed holding that the appeal was not maintainable before the Collector, Thane and thus the order passed by the SDO on 30/6/1998 dismissing the petitioners' appeal on the ground of inordinate delay received finality.

3. There is no dispute that the SDO's order can be challenged by filing revision application and it would be in the interest of the petitioners that they are relegated to such a remedy.

4. In case the petitioners file a revision application against the order dated 30/6/1998 passed

by the SDO, Thane within a period of four weeks from today, it is directed that the same shall be heard and decided on its own merits as expeditiously as possible and preferably within a period of six months from its presentation.

5. The petition disposed off in terms of the above directions.

(B.H. Marlapalle,J.)